



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT  
DIVISION OF PROFESSIONAL REGISTRATION

# CHIROPRACTIC BOARD REPORT

## Governor

The Honorable Matt Blunt

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Missouri Department of Economic Development  
Missouri Division of Professional Registration

This is an official publication of the Division of Professional Registration, Missouri State Board of Chiropractic Examiners. Submit Comments to: MSBCE, P.O. Box 672, Jefferson City, MO 65102

## BOARD PRESIDENT'S MESSAGE

Lawrence M. Gerstein, DC

It's been five years since the state board's last newsletter. One main reason the board placed the newsletter publication "on hold" was to conduct a financial review of incoming revenues from new applications, continuing education applications, and renewals. The board fund is in good shape and we hope to publish a newsletter annually.

In December of 2000 the board office was reorganized and it now shares staffing and resources with the Advisory Committee for Acupuncturists, Board of Therapeutic Massage, Committee for Professional Counselors, and State Committee of Marital and Family Therapists. The sharing has resulted in operational cost savings for all of the licensure boards within the office area we commonly refer to as the "chiro suite."

In February of 2004, several regulatory changes were made making the regulations easier to follow and understand. The professional corporation regulation was completely revised to eliminate duplicate information from the statute and hopefully make compliance simpler for the licensees.

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The newsletter includes an article about continuing education audits. This has become the State Board's mechanism for determining compliance with continuing education requirements. Remember that twelve hours of continuing education must consist of formal continuing education in the following topics; four hours x-ray, four hours of differential/physical diagnosis, four hours of boundary training, emergency procedures, HIV, or infectious diseases. A licensee must also complete twelve (12) additional hours which may be self-study in the topics of your choice. Licensees certified by the State Board in Meridian Therapy/Acupressure/Acupuncture (MTAA) or Insurance Consulting must complete twelve hours formal continuing education. These formal hours also count toward the general CE requirement. The state board cannot stress enough that licensees need to keep accurate records regarding completion of the continuing education requirements. You never know when you may be selected as an audit candidate. Remember you must keep your CE documentation for the current calendar year AND the two previous calendar years. There is nothing more frustrating than being unable to find that CE certificate from a seminar taken in the last two years. Finally, if you are notified that you are an audit candidate, please respond. Failure to respond could result in an appearance before the State Board and a discipline of the license.

As a result of changes in the law, regulations are now in effect regarding the certification of specialties. The board met with association leadership as well as representatives of Missouri chiropractic colleges in order to develop language to implement the law.

In November of 2004 the board started broadcasting or streaming the open session portion of its meetings on the web. Viewers can watch the open session proceedings or visit the web site and watch the meeting at a later date, as past open session meetings will be stored on the board's website as well. Due to the favorable responses the board plans to broadcast all open session meetings via the web. Please check the web site at <http://pr.mo.gov/chiropractors.asp> and watch the November 2004, March and September 2005 open session meetings.

One last item...a special note of thanks. Dr. Larry Lovejoy served on the board from February 1995 to January, 2005 and served as Board President in the last two years of his term. It was Dr. Lovejoy who encouraged the board to increase its visibility and accessibility by broadcasting the open session meetings via the internet and it was Dr. Lovejoy who emphasized the importance of making reciprocal licensure an easier process for out of state applicants. Many thanks to Dr. Lovejoy for his years of service to the profession and Missouri consumers.

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## **ACUPUNCTURE ADVISORY COMMITTEE UPDATE**

In February 2002, the Missouri Acupuncturist Advisory Committee began licensing acupuncturists in Missouri, and in June 2003 the advisory committee completed its first renewal cycle. The advisory committee issued thirty-three (33) licenses in 2002, ten (10) licenses in 2003, sixteen (16) licenses in 2004 and eight (8) licenses in 2005. Two licensees did not renew in 2003, however one former licensee reinstated at a later date.

With resource and staff sharing as well as controlling costs, the Advisory Committee paid back the start up loan to the Division of Professional Registration and has been able to reduce the application and renewal fee from \$700 to \$300.

To be licensed as an acupuncturist an applicant must

be a current Diplomate of the National Certification Commission for Acupuncture and Oriental medicine (NCCAOM) or licensed in another state whose requirements are substantially the same as Missouri's. Chiropractic physicians licensed in this state and certified by the State Board in Meridian Therapy/Acupressure/Acupuncture (MTAA) do not have to be licensed as an acupuncturist to provide these services so long as the chiropractic physician does not refer to her/himself by the title "licensed acupuncturist." A licensed chiropractor must use her/his designation as a D.C. with the MTAA certification. Finally, as of March 1, 2005 any chiropractic physician wishing to obtain certification in MTAA must pass the national acupuncture examination administered by the National Board of Chiropractic Examiners.

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## BOARD INFORMATION

Three new board members were appointed to the Missouri State Board of Chiropractic Examiners since the last newsletter publication.

Jack Rushin, D.C. joined the board replacing Charles Klinginsmith, D.C. Dr. Rushin is a graduate of Life Chiropractic College. Dr. Rushin has been active in the Missouri State Chiropractic Association and was awarded chiropractor of the year in 1993 and 2002 by the state association. Dr. Rushin has served as Missouri's association representative to the International Chiropractic Association also. Dr. Rushin practices at Rushin Chiropractic Center, P.C. in Poplar Bluff.

The second board member appointed was Julie Robinson as public member to the State Board. Ms. Robinson is a registered nurse working at Southeast Missouri Hospital in Cape Girardeau where she works in the Emergency Department. Ms. Robinson is a graduate of Southeast Missouri State University with a BS in Nursing and is a licensed, registered nurse in Missouri. Ms. Robinson has been active in Alpha Xi Delta as chapter president, academic chair, and chapter financial advisor as well as an assistant editor of the American Nurses Association quarterly newsletter.

In February, 2005 Dr. Homer R. Thompson was appointed by Governor Matt Blunt, replacing Dr. Larry Lovejoy. Dr. Thompson is a graduate of Palmer College and practices in Springfield. He has been active in the state association as well as his district and served on the board from 1985 to 1992.

Welcome New Board Members!!!

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## LOW LIGHT LASER THERAPY

The state board has received several inquiries regarding the use of lasers by licensed chiropractic physicians. While the board does not regulate the use of lasers it is providing general information regarding this device.

Low light laser therapy (LLL), soft lasers, low level lasers, or cold lasers are common terms used when referring to the use of lasers by chiropractic physicians. Such lasers do not "heat" living tissue, thus the low level laser is considered noninvasive.

If a cold laser is utilized for the purpose of obtaining a biopositive reflex response via nerve stimulation, then the certification by the board in Meridian Therapy/Acupressure/Acupuncture (MTAA) is required. For MTAA certification a licensee must complete at least one hundred (100) hours of post doctoral study in acupuncture and pass the national examination administered by the National Board of Chiropractic Examiners.

If a cold laser is used to treat a generalized area and does not use specific points of Acupressure/Acupuncture the MTAA certification is not required. However, the licensee must be trained in using the cold laser.

Finally, any laser light therapy device used by chiropractic physicians must be approved by the Food and Drug Administration. For more information regarding the applicable laws and FDA approval licensees are encouraged to visit the website <http://www.fda.gov/cdrh/devadvice>.

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## DISCIPLINARY ACTIONS

*Please note that the following disciplinary actions have been taken by the state board since publication of the last newsletter in September 2000.*

**John Andre, D.C.****License No. 004641**Cause for Discipline: 331.060.2(18), RSMo

The Board found cause to discipline the license for unprofessional conduct relating to failure to timely and diligently respond to allegations made in a complaint.

Board Action: License to practice is CENSURED.Effective Date: September 6, 2000**Edward Ashton, D.C.****Temporary License No. 2004009862**Cause for Discipline: 324.010 RSMo (HB 600)

The Board suspended the temporary license for failure to comply with filing and/or paying income taxes to the Missouri Department of Revenue.

**Harold Bell, D.C.****License No. 006381**Cause for Discipline: 331.060.2(13) and (18), RSMo

The Board found cause to discipline the license for initiating sexual activity during chiropractic treatments.

Board Action: License suspended for three (3) years, stayed two (2) years with a period of five (5) years probation to run concurrently with suspension. Licensee shall have a female assistant or attendant present in the examination/treatment room at any time examining a female patient. Upon completion of any counseling with regard to sexual addictions or dysfunctions, Licensee shall provide a copy of the psychological evaluation to the Board. In addition the Board if deemed necessary may cause Licensee to submit to additional psychological evaluations by a professional approved by the Board, at the Licensee's expense.

Effective Date: May 24, 2000Disciplinary Terms: See Below**Harold Bell, D.C.****License No. 006381**Cause for Discipline: 331.060.2(5) and (18), RSMo

The Board found cause to discipline the license based upon Licensee examining and adjusting a patient less than eighteen (18) years old without review of the medical or hospital records or without hospital access/permission.

Board Action: License suspended for eighteen (18) months followed by five (5) years probation. Prior to reinstatement of license, Licensee shall attend a minimum of twelve (12) hours chiropractic continuing education courses in ethics; general diagnosis; and record keeping.

Effective Date: May 13, 2003Disciplinary Terms: Suspension and Continuing Education Completed**John Blalock, D.C.****License No. 003250**Cause for Discipline: 331.060.2(2) RSMo

The Board found cause to discipline the license based upon a conviction in the 22nd Judicial Circuit Court in St. Louis charging Licensee with the crime of sexual misconduct in the first degree.

Board Action: Licensee placed on five (5) years probation. Licensee shall have an assistant or attendant present in the examination/treatment room at any time examining or treating a male patient. Within six months of execution of the disciplinary agreement, Licensee at his own expense, shall complete the on-line Gender and Sensitivity training offered by the Redleaf Institute.

Effective Date: February 20, 2004Disciplinary Terms: Completed On-Line Training.

**Rudolph Brock, D.C.****License No. 004032**Cause for Discipline: 331.060.2 RSMo

The Board found cause to discipline the license based upon Licensee's failure to obtain the required number of continuing education hours for calendar year 2003.

Board Action: License is suspended for one (1) year followed by five (5) years probation upon reactivation of license. Licensee must pay all renewal and reactivation fees and provide verification of all past and current required continuing education to obtain a current license. Upon reactivation, suspension shall be stayed contingent upon compliance with all terms of the probation.

Effective Date: Upon Reactivation of License

**Linda Bryan, D.C.****License No. 004910**Cause for Discipline: 331.060.2(6) and (18), and 191.227.1, RSMo and 4 CSR 70-2.060(10)

The Board found cause to discipline the license for not providing treatment and billing records to a patient until seventeen (17) months after the initial request.

Board Action: License placed on two (2) years stayed suspension followed by five (5) years probation. Prior to December 31, 2003, Licensee shall, obtain an additional twelve (12) hours in Board approved office procedures and/or medical record-keeping. In addition, the Licensee shall mail or deliver copies of any patient billing or treatment records within ten days of written request.

Effective Date: October 18, 2002

Disciplinary Terms: See Below.

**Linda Bryan, D.C.****License No. 004910**Cause for Discipline: 331.060 and 620.153, RSMo

The Board found cause to discipline the license for practicing from March to June 2003 without a current license and for failure to comply with the previous disciplinary requirements.

Board Action: License is Revoked

Effective Date: June 28, 2004

Disciplinary Terms: Revoked License

**William Catt, D.C.****License No. 003476**Cause for Discipline: 331.060.2(4) and (6), RSMo and 4 CSR 70-2.060(5)

The Board found cause to discipline the license based upon Licensee submitting claim to a third-party payment program for fees that were covered in full by gift certificates.

Board Action: License placed on probation for a period of two (2) years. Licensee shall be subject to random, unannounced visits by representatives of the Board for the purpose of reviewing patient records.

Effective Date: April 17, 2001

Disciplinary Terms: Probation Completed

**Paul Coolidge, D.C.****License No. 006692**Cause for Discipline: 331.060.2(5) and (6), RSMo

The Board found cause to discipline the license based upon Licensee's failure to obtain the required number of continuing education hours for calendar year 2000.

Board Action: License placed on one-year suspension followed by five (5) years probation. The discipline is effective upon reactivation of the license. Licensee must pay all renewal and reactivation fees and provide verification of all past and current required continuing education to obtain a current license. Upon reactivation, suspension shall be stayed contingent upon compliance with all terms of the probation.

Effective Date: Upon Reactivation of License.

**Robert Degen, D.C.****License No. 005175**Cause for Discipline: Section 331.060.2(6), (7), (10), and (12), RSMo

The Board found cause to discipline the license based upon Licensee practicing without a current license.



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**Board Action:** License was CENSURED. Licensee required to pay the reactivation fee, renewal fee and continuing education late fee in the total amount of Two Thousand Seventy-Five Dollars (\$2075.00). The Licensee shall complete all continuing education requirements necessary for 2003 biennial license renewal. Licensee shall by February 28, 2003, obtain twenty-eight (28) additional make-up hours of continuing education in the following areas: twenty (20) hours of General subjects and eight (8) hours in Diagnostic Imaging (x-ray).

**Effective Date:** March 27, 2002

**Disciplinary Terms:** Completed

**Stephen Feldman, D.C.**

**License No. 006314**

**Cause for Discipline:** 331.060.2 (5) and (18) RSMo

The Board found cause to discipline the license for injecting medication and practicing osteopathy without a license.

**Board Action:** License placed on one (1) year stayed suspension followed by three (3) years probation. Licensee shall refrain from administering any hypodermic injections and performing osteopathic manipulation. Within six (6) months of the effective date of the Agreement, Licensee at his own expense shall attend a Board approved course in chiropractic or medical record-keeping.

**Effective Date:** November 6, 2003

**Disciplinary Terms:** Continuing Education Completed.

**Whitney Freeman, D.C.**

**License No. 2000146011**

**Cause for Discipline:** 331.060.2(2), RSMo

The Board found cause to discipline the license based upon a conviction ordered by the United States District Court for the Northern District of Ohio for violating 18 United States Code Section 1347, Health Care Fraud. Licensee knowingly and willfully executed and attempted to execute a scheme to defraud a number of health care benefits programs in connection with the delivery of and payment of health care services. The Court sentenced Licensee to ten (10) months imprisonment, with five (5) months to be served at a half-way house followed by five (5) months confinement with electronic monitoring. The Court further ordered the Licensee be placed on supervised release for a period of three (3) years following release from confinement and payment of restitution of \$6,071.49.

**Board Action:** License suspended for a period concurrent with confinement. Upon successful release from confinement, license placed on five (5) years probation. Licensee shall be subject to random, unannounced visits by representative(s) of the Board for the purpose of reviewing patient records.

**Effective Date:** July 25, 2001

**Disciplinary Terms:** Suspension Completed

**Stanley Gross, D.C.**

**License No. 005721**

**Cause of Discipline:** 331.060.2(13) and (18) RSMo

The Board found cause to discipline the license for engaging in unprofessional or improper conduct.

**Board Action:** License placed on one year stayed suspension upon successful completion of a concurrent two year period of probation. Within sixty (60) days Licensee shall submit to a mental health evaluation by a licensed professional counselor, psychologist or therapist to be selected by the Board. During the disciplinary period, the Licensee shall have an attendant present in the examination/treatment room at all times the licensee is examining or treating a patient.

**Effective Date:** May 15, 2002

**Disciplinary Terms:** Suspension and Probation Completed

**Dale Johnson, D.C.**

**License No. 003465**

**Cause for Discipline:** 331.060.2(6), (7), (10) and (12) and 331.050 and 331.080, RSMo

The Board found cause to discipline the license for practicing without a current license from 1999-2001.

**Board Action:** Licensee shall pay the required license renewal and late fees. Upon receipt of reinstatement, license shall be placed on two (2) years probation.

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Effective Date: January 30, 2002

Disciplinary Terms: Suspension and Probation Completed

**Frederick Loeb, D.C.**

**License No. 004109**

Cause for Discipline: 331.060.2(2), RSMo

The Board found cause to discipline the license based upon a conviction in Johnson County, Kansas, consisting of conspiracy to commit theft. Licensee was sentenced by the Court to six (6) months prison sentence followed by two (2) years probation and pay restitution in the amount of \$16,170.

Board Action: License placed on two (2) years probation. Licensee shall be subject to random, unannounced visits by representative(s) of the Board for the purpose of reviewing patient records.

Effective Date: April 24, 2001

Disciplinary Terms: Probation Completed

**Todd McBroom, D.C.**

**License No. 2001032719**

Cause for Discipline: 331.060.2(2) and (3), RSMo

The Board found cause to discipline the license based upon a conviction of disorderly conduct and a conviction in the State of Montana for failure to appear to pay a court ordered fine resulting from an earlier driving offense.

Board Action: License placed on probation for a period of one (1) year.

Effective Date: December 19, 2001

Disciplinary Terms: Probation Completed

**Bradley Morris, D.C.**

**License No. 2000165873**

Cause for Discipline: 331.060.3, RSMo

The Board found cause to discipline the license based upon Licensee pleading guilty before the St. Louis County Circuit Court in March 1992 to a charge of driving while intoxicated. In September 1993, Licensee plead guilty before the St. Louis Circuit Court, 21st Judicial Circuit to a charge of driving with excessive blood alcohol content. In February 1995, Licensee was found guilty by the St. Louis Circuit Court, 21st Judicial Circuit, of an additional offense of driving while intoxicated and was sentenced to nine months confinement. In May 1997, Licensee pled guilty before the Calumet County (Wisconsin) Circuit Court, Division 8, to the offense of operating a motor vehicle while intoxicated and was sentenced to sixty days confinement and two years revocation of his driver's license.

Board Action: The Board issued a two-year probationary license. Licensee shall at his own cost, submit to random biological fluid testing, at such times at the discretion of the Board, and undergo counseling with a Board approved substance abuse counselor. Licensee shall execute any required medical release(s) or other appropriate release(s) allowing the Board to obtain records of licensee's counseling or treatment for substance abuse.

Effective Date: August 20, 2000

Disciplinary Terms: Discipline Completed

**Cecile Nagel, D.C.**

**License No. 006718**

Cause for Discipline: 331.060.2(5) and (6), RSMo

The Board found cause to discipline the license based upon failure to obtain the required number of continuing education hours for calendar year 2001.

Board Action: Licensee placed on probation until May 1, 2005. No later than December 31, 2004 Licensee shall document completion of a minimum of twenty-four (24) didactic hours of continuing education for the years 2001 and 2003. No later than December 31, 2004 Licensee shall document completion of a minimum of twelve (12) hours in general subjects for the year 2004. No later than May 1, 2005, Licensee shall document completion of a minimum of twelve (12) hours of didactic continuing education for 2004. Licensee shall submit to the Board all applicable late fees in the total amount of One Hundred Dollars (\$100.00).

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Effective Date: September 20, 2004

Disciplinary Terms: Voluntary Surrendered License

**Michael Pepper, D.C.****License No. 006051**

Cause for Discipline: 331.060.2(4), (5), (6), (13) and (18), RSMo

The Board found cause to discipline the license for attempting to obtain fees by fraud, deception and misrepresentation, violating patient trust by making representations to patients that were not true, and violating the rule about disclosure of his corporation information and using names of others without their knowledge or permission to set up and continue the corporation and to use the corporate name for billing.

Board Action: License suspended for two (2) years followed by three (3) years probation.

Effective Date: August 24, 2001

Disciplinary Terms: Suspension Completed

**Catherine Quill, D.C.****License No. 004061**

Cause for Discipline: 331.060.2(8), (5) and (18), RSMo

The Board found cause to discipline the license for incompetency, misconduct, gross negligence, unprofessional and improper practice of chiropractic.

Board Action: License placed on three (3) years probation upon Licensee's return to practice in the State of Missouri. Licensee shall refrain from practicing any of the following techniques: iridology, "healing circles" or "directing energy", affirmations, treatment by telephone or proxy, any treatment involving crystals or harmonics. Licensee shall provide access to her patient billing and treatment records for inspection by the Board or its representatives.

Effective Date: Upon Return to Missouri

**Dana Robertson, D.C.****License No. 004812**

Cause for Discipline: 331.060.2(6) and (18), 191.227.1, RSMo and 4 CSR 70-2.060 (7) and (10)

The Board found cause to discipline the license based upon failure to provide copies of medical records to a patient in order to prepare for a surgical procedure, and failure to apprise the Board of the closing of the licensee's office and required notification to patients and corresponding transfer of patient records.

Board Action: License was placed on two (2) years probation. Licensee required to furnish all properly requested medical records within ten (10) days of the patient's request.

Effective Date: August 8, 2001

Disciplinary Terms: Probation Completed

**John Ryan, D.C.****License No. 2000146270**

Cause for Discipline: 331.060.2(2) RSMo

The Board found cause to discipline the license based upon a conviction of four (4) felony counts of unlawful possession of controlled substances and drug paraphernalia, and intention to deliver or sell the drug paraphernalia.

Board Action: Revoked License.

Effective Date: March 19, 2004

**Terry Sellers, D.C.****License No. 2000167298**

Cause of Discipline: 331.030.2, RSMo

The Board found cause to discipline the license based on an Order of Protection issued on March 22, 1994 by the Family Court of St Louis County, based upon allegations of adult abuse, and on August 16, 1999, an Order of Protection issued by the Family Court of St Louis based upon allegations of harassment and threats of violence. On August 30, 1999, following a hearing, the Court issued a Full Order of Protection effective for a period of one (1) year.

Board Action: The Board issued a two (2) year probationary license. During the period of probation, if deemed necessary by the Board, the Licensee shall undergo counseling with a Board-approved adult abuse.



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counselor. Licensee shall upon the Board's request, execute any required medical release(s) or other appropriate release(s) authorizing the Board to obtain records of Licensee's counseling or treatment for adult abuse.

Effective Date: September 11, 2000.

Disciplinary Terms: In March 2001, the Board revised the probationary period which ended March 31, 2001.

**Laura Schaffer, D.C.**

**License No. 2003017484**

Cause for Discipline: 331.060, RSMo

The Board found cause to discipline the license based upon a conviction in February 1997 for aggravated battery and obstructing justice, and in December 2002 for operating a motor vehicle under the influence of alcohol.

Board Action: License placed on two (2) years probation.

Effective Date: July 22, 2003

Disciplinary Terms: In September 2003, the Board revised the probationary period which ended September 30, 2003.

**Warren Shoemaker, D.C.**

**License No. 003470**

Cause for Discipline: 331.060.2(8), (5) and (18) and 331.060.3, RSMo

The Board found cause to discipline the license based upon discipline imposed by the Iowa Board of Chiropractic Examiners pertaining to the practice of chiropractic and engaging in practices harmful or detrimental to the public.

Board Action: License placed on probation for a period of three (3) years, or until the termination of the probationary status imposed by the Iowa Board of Chiropractic Examiners. Licensee shall obtain four (4) hours of continuing education in boundary training. Additionally, the Licensee is prohibited from providing acupuncture, acupressure or meridian therapy until certified by the Board.

Effective Date: April 24, 2001

Disciplinary Terms: Probation Completed, however not certified in MTAA.

**Linda Carolyn Taylor, D.C.**

**License No. 005380**

Cause for Discipline: 331.060.2(5) and (6), RSMo

The Board found cause to discipline the license based upon disciplinary action imposed by the Arkansas State Board of Chiropractic Examiners for fraudulent and unprofessional billing practices.

Board Action: License placed on probation for two (2) years. Licensee shall comply with all requirements for obtaining additional continuing education as imposed by the Arkansas State Board of Chiropractic Examiners in its order of June 6, 2001 and November 19, 2001.

Effective Date: October 16, 2003

Disciplinary Terms: Licensed Lapsed.

**Clark Thompson, D.C.**

**License No. 003829**

Cause for Discipline: On November 3, 1999, the Licensee plead guilty to making a false statement on an Application for Payment Under the Medicare Program, Case No. 4:99CR471 SNL, in the United States District Court.

Action: License placed on five (5) years probation by the United States District Court

**Cynthia Tichacek, D.C.**

**License No. 2001000493**

Cause for Discipline: 324.010 RSMo (HB 600)

The Board suspended license for failure to comply with filing and/or paying income taxes to the Missouri Department of Revenue.

**Timothy Towers, D.C.****License No. 005210**Cause for Discipline: 454.1008 RSMo

The Board was ordered by the St. Charles Circuit Court to suspend license for failure to pay child support.

Board Action: License suspended effective December 3, 2004.Disciplinary Terms: License reinstated February 2, 2005.**Barry Wilson, D.C.****License No. 005261**Cause for Discipline: 331.060.2(2) RSMo

The Board found cause to discipline the license based upon a May 27, 1992 signed Journal Entry of Judgment wherein the Licensee entered a plea of nolo contendere to a charge of Sexual Battery.

Board Action: Disciplinary Hearing conducted by the Board on July 7, 1994. Stipulation Agreement issued on August 3, 1994. License placed on probation for a period of five (5) years upon residency in Missouri. Before Licensee returns to Missouri he must notify the Board of his intention and submit to a mental health evaluation by a professional chosen by the Board to determine the Licensee is sufficiently rehabilitated. Licensee shall not treat patients less than eighteen (18) years old. Licensee contacted the Board office March 21, 2001 advising the Board of opening a practice in Missouri.

Effective Date: March 21, 2001Disciplinary Terms: Evaluation Completed

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## RECIPROCITY

The board receives inquiries from prospective licensees regarding transferring a license to Missouri or becoming licensed in another state. If a Missouri licensee wishes to be licensed in another state it is recommended that the licensee contact the state in order to obtain specific information. If you need a specific address for another state's licensure board that detail is available from the Federation of Chiropractic License Boards at <http://www.fclb.org>.

If a person wishes to be licensed by reciprocity the board reviews the licensure law and regulations of the state where the applicant was originally licensed to determine if the two states' requirements are substantially the same. If the board determines the requirements are substantially the same a license can be issued. If the law of the state of original licensure is not substantially the same as Missouri's the board can request the applicant take the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners.

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## THE LAW AND YOU

There are other sections of Missouri law that have an impact upon chiropractic physicians that are not part of 331.010 - 331.100 RSMo (commonly referred to as the chiropractic licensure law).

**CHILD SUPPORT ENFORCEMENT**

Section 445.100 RSMo provides the authority for the court to issue an order suspending a license and ordering a licensee to refrain from practicing. The board is notified of the court order and must take the following steps:

1. Enter the suspension as effective from the date of the order issued by the court;
2. Issue the notice of the suspension to the licensee;
3. If required by law, demand surrender of the suspended license;
4. The court will notify the board by certified mail of any order staying a suspension.

**STATE INCOME TAXES**

Effective July 1, 2003 all persons and business entities renewing a license are required to pay all state income taxes, and file all necessary state income tax returns for the preceding three years. If a licensee fails to pay taxes or file tax returns a license can be subject to immediate suspension within 90 days of being notified by

the Missouri Department of Revenue of any delinquency or failure to file. The law was amended during the 2004 legislative session allowing a license to be suspended instead of revoked. This requirement was enacted by House Bill 600 of the 92nd General Assembly in 2003 and signed into law by the Governor on July 1, 2003. If a chiropractic physician licensed by the state board is notified by the Department of Revenue regarding failure to pay or file state income taxes the licensee must contact the Department of Revenue. The telephone number for the Department of Revenue regarding compliance with this law is (573) 751-7200.

During the 2005 legislative session the board worked with the Division of Professional Registration as well as the boards comprising the division on language to correct the administrative problems of the current law. During the final days of the 2005 session HB 916 was added to HB 665. With the volume of bills to be considered by the General Assembly and short time frame the measure did not make it out of the legislature. While the bill did not pass this session there are plans to introduce legislation during the next year.

## **PATIENT RECORDS**

Section 191.227 RSMo address the requirements for medical records to be released to patients. Specifically the law states ---

*191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of fifteen dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.*

*2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.*

*3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.*

Section 191.227, RSMo sets the handling and per page fees for medical records at \$15.00 for handling and \$.35 per page for copies. Section 191.227, RSMo was amended in 2002 to provide that effective February 1st of each year, the handling fee and per page fee would be increased or decreased based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for all urban consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, shall be used as the reference base.

The following information is available at the Department of Health and Senior Services web site <http://www.dhss.mo.gov/ProtectingThePublic/FeesMedicalRecords.html>

Based on an increase of 4.38% from 2003 to 2004, the new rate for handling will be \$17.05 and the rate for copies will be \$.40 per page, (effective 2/1/05)

During the 2005 legislative session HB 232, sponsored by Representative Charles Portwood, DC passed the Missouri Legislature and was signed into law by Governor Matt Blunt on July 12, 2005. The law became effective August 28, 2005 and allows additional costs to include postage, handling and delivery charges as well as a notary fee. The notary fee cannot exceed \$2.00.

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## PC...LLC...INC...ETC

The purpose of this article is to provide general information to licensees regarding changes in the professional corporation regulation, also known as the "PC Rule". This article does not constitute a recommendation by the board that a chiropractic physician should incorporate or form any other business entity. A licensee should consult private legal counsel and/or an accountant regarding the advantages and/or disadvantages of various business types. There are several chapters that may be useful when researching information concerning selection of a business entity.

- Chapter 347.015(7) RSMO defines a domestic limited liability company as a limited liability company organized and existing under the sections of 347.010 to 347.123.
- Chapter 351 RSMo identifies a corporation or domestic corporation as including corporations organized under chapter 351 and subject to some or all of the chapter's provisions except a foreign corporation.
- Chapter 356 RSMo identifies licensed professions that can form a professional corporation as follows; an accountant, architect or engineer; attorney at law, chiropodist-podiatrist, chiropractor, dentist, optometrist, physician, surgeon, doctor of medicine or doctor of osteopathy, psychologist, veterinarian, registered nurse, any natural person licensed as a real estate salesperson, and physical therapist.
- Chapter 359.RSMo defines general partnerships, limited partnerships, limited liability partnerships and partners. Since requirements regarding the formation of business entities such as PC or LLC are addressed in the law, the regulations were amended to remove unnecessary or duplicative sections. General items to remember regarding regulatory requirements for chiropractors include ----
- When forming a professional corporation the name must include the words Professional Corporation or PC.
- A general business corporation shall contain the corporate name Company or Corporation or shall end with an abbreviation of one of those words as required by section 351.110 RSMo.
- A limited liability company shall contain those words or the abbreviation LLC, LC, L.L.C. or L.C. as required by section 347.020 RSMo.

When a business dissolves or is sold, the chiropractic physician must take the necessary steps to assure that patients are adequately notified regarding the status of their records. Patients must be notified regarding whether such records are available at the licensed chiropractor's office, or the office of another health care provider of the patient's choosing. 4 CSR 70-2.100(1)(E) contains language regarding the disillusion of a practice in the event a licensee or partner dies or is divorced.



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## MESSAGE FROM THE DIVISION DIRECTOR



Greetings!

My name is Alison Craighead and I was confirmed as Director of the Division of Professional Registration in January 2005. Prior to my confirmation, I served as the Political Affairs Coordinator for the American Association of Nurse Anesthetists and as the Manager of Government and Political Affairs for the American Dietetic Association in Washington, DC.

As can be expected with any new administration, there are many changes currently taking place within state government. In an effort to make state government more effective, fiscally responsible and service oriented, Governor Blunt created the State Government Review Commission and charged them with conducting a full review of state government in order to identify opportunities to restructure, reduce or eliminate state government functions. The final report from the Commission is expected to be released in November.

The Division of Professional Registration recently hired Tom Reichard as Director of Budget and Legislation. In his new role, Tom will serve as the liaison for budget and legislative items between the professional boards, committees and commissions within the Division, the Department of Economic Development and the Missouri General Assembly. He has just completed work with each of the boards, committees and commissions to develop and prepare both legislation and budget items for the upcoming 2006 session.

The Division has also recently welcomed David Barrett, MBA, JD, as the division's Legal Counsel. David came to the division from his previous position as an Assistant Attorney General in the Attorney General's Division of Workers' Compensation Fraud and Noncompliance Unit and will be providing legal assistance to the division and the boards, committees and commissions.

In the short time that I have been a part of Professional Registration, I have enjoyed learning about the various professions housed within the division and look forward to working with many of you during my service as division director.

Sincerely,



Alison Craighead

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## CONTINUING EDUCATION AUDITS

In 2001 the State Board conducted the first audit of continuing education compliance for calendar year 2000. Since that time the Board has conducted audits for calendar years 2001-2004. Prior to 2000, a licensee mailed a copy of certificate(s) verifying completion of the continuing education requirement with the renewal form. This process proved to be cumbersome and time consuming for both the licensee and staff processing renewal applications. Therefore, to reduce overall paperwork the board included a check list concerning completion of the required CE as part of the renewal form and started to audit continuing education compliance.

Section 331.050 RSMo of the licensure law requires that, "All persons once licensed to practice chiropractic in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the board satisfactory evidence of the completion of the requisite number of hours, which shall not be less than twelve hours nor more than twenty-four hours per year, of postgraduate study or not less than twenty-four hours nor more than forty-eight hours if renewal occurs biennially. The postgraduate study required shall be a course of study approved by the board. The requisite number of hours is to be determined by the board." Regulation 4 CSR 70.080(7) authorizes the board to audit licensees regarding compliance with the continuing education requirement.



The audit for calendar year 2000 consisted of a random sample of 10% of all currently licensed chiropractic physicians. However, the sample was modified for future audit years and now consists of 10% of all currently licensed chiropractic physicians, 10% of licensed chiropractors that were certified as insurance consultants and 10% of those chiropractic physicians certified in MTAA (Meridian Therapy/Acupressure/Acupuncture). Finally, any licensee that requested an extension to complete continuing education requirements was also added to the audit. Following are the results of audits for the past five calendar years (2000-2004)

Audit Year 2000	Audit Year 2001*	Audit Year 2002*	Audit Year 2003	Audit Year 2004
166 Licensed DC's	155 Licensed DC's 52 MTAA Certified 4 Insurance Consultants	117 Licensed DC's 45 MTAA Certified 4 Insurance Consultants	96 Licensed DC's 39 MTAA Certified 4 Insurance Consultants	62 Licensed DC's 31 MTAA Certified 4 Insurance Consultants

\*2001-2002 Late CE audit candidates = 155

For the year 2000 audit, one licensee failed to comply with the request for information. Noncompliance resulted in a discipline of the license. For the years 2001 and 2002 two audit candidates failed to comply with the audit requirement resulting in one censure and a cease and desist letter being sent. The board is in the process of completing the review for 2003 and sent notices for 2004 audit candidates in March 1, 2005.

Finally, to provide up to date information regarding continuing education the licensees can view the State Board's web site at <http://pr.mo.gov/chiropractors.asp> and click on the icon Approved Continuing Education. The database of information regarding approved continuing education seminars is to be updated once a week based upon those seminars approved by the board.

## LICENSE RENEWAL INFORMATION

The first biennial renewal for chiropractic physicians occurred in 2000-2001 and recently the third biennial cycle was completed. As a result of that effort the board made several changes to the renewal form for future renewals. One of the changes requires a licensee to provide both a home and business address. If the board needs to contact a licensee regarding continuing education, complaints, or clarification regarding a renewal, the business office address and telephone numbers are needed. If a licensee's home or business office address or telephone changes the licensee must notify the board office.

A change of address can be made by writing the board office, faxing a change of address to the board office, sending an email or calling the board office at 573/751-2104. The board staff will request verification of the licensee if a change is requested

by telephone. If you wish to email a change of address you can do so by sending an email to [chiropractic@pr.mo.gov](mailto:chiropractic@pr.mo.gov). The mailing address is State Board of Chiropractic Examiners, P.O. Box 672, Jefferson City, Missouri, 65102-0672 and the fax number is 573/751-0735. A licensee must include the social security number and date of birth to verify license information. This newsletter includes a change of address short form that can be faxed or mailed to the board office.

The board conducted a survey of licensees regarding returning to the annual renewal cycle. The response to the survey was excellent and a large majority of licensees indicated a preference to the biennial cycle. With this response the board determined there will be no changes to the renewal cycle.

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## STATISTICS

### New Licenses Issued

2001	118
2002	113
2003	97
2004	130

### License Renewal Information - Chiropractic Physicians

License expired 2/28/2001 - 1,911 renewal applications mailed with 1,677 licenses renewed

License expired 2/28/2003 - 1,999 renewal applications mailed with 1,673 licenses renewed

License expires 2/28/2005 - 1,959 renewal applications mailed with 1,810 licenses renewed

### License Renewal Information - Consultant Information

2001 53 insurance consultant renewals mailed with 40 renewed

2003 47 insurance consultant renewals mailed with 40 renewed

2005 42 insurance consultant renewals mailed with 33 renewed

### License Renewal Information - Retired/Disabled Licenses

2001 License expired 2/28/2001 - 48 renewals mailed with 62 renewed. (The additional number is due to individuals that received a permanent license renewal and requested a retired/disabled renewal due to age or health concerns.)

2003 License expired 2/28/2003 - 66 renewals mailed and 60 renewed

2005 License expired 2/28/2005 - 65 renewals mailed and 53 renewed

The Board frequently receives requests from licensees to place a license on inactive status. During the 2004 legislative session HB 1246 was approved by the General Assembly and signed into law by the Governor. Regulations implementing the option for inactive status will be in effect for the 2007 renewal cycle. Briefly, the law will allow a licensee to place a Missouri license on inactive status for up to five years. Currently, if a license is not current for three years and the licensee has not practiced actively in another state for at least three years preceding a request for reinstatement the licensee must return to a chiropractic college for a semester of course work.



Missouri Department of Economic Development  
Division of Professional Registration  
**State Board of Chiropractic Examiners**  
3605 Missouri Boulevard  
PO Box 672  
Jefferson City MO 65102

PRSTD STD  
U.S. POSTAGE  
**PAID**  
PERMIT NO. 237  
Jefferson City MO

Please notify the board office  
of your new address.

Name: \_\_\_\_\_ License Number: \_\_\_\_\_

Old Address: \_\_\_\_\_

New Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please Check one regarding Address Change:**

**New Home Address**\_\_\_\_\_ **New Business Address** \_\_\_\_\_

Mail or Fax to:  
Missouri State Board of Chiropractic Examiners  
3606 Missouri Blvd.  
P.O. Box 672  
Jefferson City, MO 65102  
573/751-0735

The December 2005, newsletter did not accurately list information relating to the license of Laura Schaffer, D.C., license number 2003017484. The newsletter detail stated the license had been subject to discipline "based upon a conviction in February 1997 for aggravated battery and obstructing justice, and in December 2002 for operating a motor vehicle under the influence of alcohol." In fact, the discipline imposed upon the license was based upon the licensee pleading guilty to a misdemeanor charge of criminal damage to property, resulting from charges filed during a 1997 incident. A two-year probationary period was reduced by the Board and successfully concluded on September 18, 2003.